

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

HEZZACK DANIELS,

Defendant.

Case No. [13-cr-00523-WHO-1](#)

**AMENDED CRIMINAL PRETRIAL
ORDER**

1. Trial Date

Trial is set for November 17, 2014, beginning at 8:30 A.M., in Courtroom 12, 19th Floor, 450 Golden Gate Avenue, San Francisco, California.

2. Pretrial Conference

A Pretrial Conference has been set for November 3, 2014 at 2:00 P.M..

The parties shall follow the requirements of Crim. L.R. 17.1-1, as supplemented below:

A. The government and, to the extent consistent with defendant's right to an effective defense, the defendant shall do the following at least seven days prior to the Pretrial Conference:

- (i) Serve and file a trial memorandum that briefly states the legal bases for the charges and the anticipated evidence, and addresses any evidentiary, procedural, or other anticipated legal issues;
- (ii) Serve and file a witness list that includes a brief summary of the testimony of each witness; and
- (iii) Serve and file exhibit lists and serve copies of all marked exhibits on all parties. Each item shall be premarked; generally, the government shall use numbers, the defendant, letters. Exhibit lists shall be filed with the Court. The exhibits should not be filed with the Court.

Counsel shall lodge with the Court two copies of the exhibits in binders the Friday before trial, for the Court's use and witnesses' use during trial. The original exhibits admitted by the Court shall be collected by the Court during trial.

B. All parties shall do the following at least seven days prior to the Pretrial Conference:

(i) Serve and file proposed jury instructions on all substantive issues and on any procedural issue not adequately covered by the Ninth Circuit Manual of Model Jury Instructions.

Counsel shall deliver to the Courtroom Deputy a copy of their proposed jury instructions on a CD/DVD in Word format;

(ii) Serve and lodge a proposed form of verdict and proposed questions for jury voir dire; and

(iii) Counsel shall confer and be prepared to discuss with the Court at the Pretrial Conference any anticipated evidentiary objections and any means for shortening and simplifying the trial (by stipulating to such matters as chain of custody, nature of substances, use of the mails, etc.).

(iv) Counsel should submit an agreed upon set of additional requested voir dire questions to be posed by the Court. Any voir dire questions on which counsel cannot agree shall be submitted separately. Voir dire by counsel will be limited to fifteen minutes per side.

3. Motions In Limine

Any party wishing to have motions in limine heard prior to the commencement of trial must file and serve same no later than fourteen days prior to the date set for the Pretrial Conference. All motions in limine shall be contained in one document, limited to 25 pages and prepared in accordance with Civil L. R. 7-2(b), with each motion listed as a subheading. Opposition to the motions in limine shall be contained in one document, limited to 25 pages, with corresponding subheadings, and shall be filed and served no later than seven days prior to the Pretrial Conference. No reply papers will be considered. The motions will be heard at the Pretrial Conference or at such other time as the Court may direct.

1 **4. Additional Matters**

2 A. Opening Statements

3 Parties must meet and confer to exchange any visuals, graphics, or exhibits to be used in
4 opening statements. Unless otherwise agreed, the exchange must occur no later than the close of
5 business on the Wednesday before trial. Any objections not resolved must be filed in writing by the
6 Thursday before trial. The parties shall be available by telephone on the Friday before trial to discuss
7 the issues raised with the Court.

8 B. Copies

9 Each document filed or lodged with the Court must be accompanied by a three-hole punched
10 copy for use in the Judge's chambers. In addition, one copy of the witness and exhibit lists should be
11 furnished to the court reporter.

12 C. Transcripts

13 Should a daily transcript and/or realtime reporting be desired, the parties shall make
14 arrangements with Debra Campbell, Court Reporter Supervisor, at 415-522-2079 or
15 Debra_Campbell@cand.uscourts.gov, at least 14 calendar days prior to the trial date.

16 D. Change of Plea

17 Counsel shall give prompt notice to the United States Attorney and to the Court of any
18 intention to change a previously entered not guilty plea.

19 E. Exhibits

20 Upon the conclusion of the trial, the admitted exhibits are filed by the Court. The exhibits not
21 admitted are returned to counsel.

22 **IT IS SO ORDERED.**

23 Dated: September 30, 2014

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27 WILLIAM H. ORRICK
28 United States District Judge